

**FIFTY-FIFTH DAY**  
(Friday, April 13, 1973)

The Senate met at 9:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The following Senators were absent-excused: McKnight and Moore.

A quorum was announced present.

The Very Reverend Lawrence J. Brown, Dean of the Episcopal Theological Seminary of the Southwest, Austin, Texas offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator McKnight was granted leave of absence for today on account of important business on motion of Senator McKinnon.

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Herring.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, April 13, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 195, A bill to be entitled An Act declaring the policy of this state and the purpose of this Act to safeguard the air resources of the state from pollution; providing for tax exemption; authorizing each city, town, village, county, and conservation district, including each river authority, to acquire, construct, and improve or cause to be acquired, constructed, and improved air control facilities, acquire interests in land and enter into leases or other contracts with persons whereby such persons shall use and/or acquire such air control facilities; authorizing each to issue, sell, and deliver revenue bonds to provide funds for such purposes; prescribing the terms of such bonds; providing for such bonds to be issued in one or more series; authorizing the issuer to fix and from time to time revise payments under leases and other contracts for use or acquisition of the facilities of the issuer; making provisions in the event of default or threatened default in the payment of such bonds; providing that such

bonds shall be special obligations of the issuer; authorizing the refunding of such bonds; authorizing the securing of such bonds by trust indentures; providing for the approval of such bonds and leases or other contracts by the attorney general; making such bonds, leases, and other contracts incontestable; providing that such bonds shall be legal investments and eligible to secure public deposits; providing for surety and performance bonds and other matters pertaining to letting of contracts; providing for certification by Texas Air Control Boards; providing that this law shall be cumulative of existing laws; providing for severability; making other provisions in the premises; and declaring an emergency. (With amendments)

S.B. 193, A bill to be entitled An Act relating to absentee voting in elections; enacting provisions permitting any permanently disabled voter to file a certificate of permanent disability with the registrar of voters in lieu of having to submit a certificate of disability with each application for an absentee ballot; containing penal provisions; amending Section 37, Texas Election Code (Article 5.05, Vernon's Texas Election Code), by adding Subdivision 2d; and declaring an emergency. (With amendments)

S.B. 67, A bill to be entitled An Act relating to property tax exemptions for property of a nonprofit corporation owned and held for use in the development of a medical center in which the nonprofit corporation has donated land for a medical, dental, or nursing school or for another medical and educational institution, and not used for profit; amending Article 7150, Revised Civil Statutes of Texas, 1925, as amended, by adding Section 28; and declaring an emergency.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

(President Pro Tempore in Chair)

### REPORTS OF STANDING COMMITTEES

Senator Mauzy submitted the following report for the Committee on Education:

H.B. 370

Senator Herring submitted the following reports for the Committee on Jurisprudence:

C.S.H.B. 340 (Read first time)  
S.B. 856  
C.S.S.B. 780 (Read first time)  
S.B. 661  
S.B. 660  
H.B. 397  
S.C.R. 78  
C.S.S.J.R. 4 (Read first time)

### SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the committee indicated:

By Senator Schwartz:

S.B. 915, A bill to be entitled An Act relating to an independent audit of county books, records, and accounts; amending Article 1641, Revised Civil

Statutes of Texas, 1925, as amended; and declaring an emergency.  
To Committee on Intergovernmental Relations.

By Senator Mengden:

S.B. 916, A bill to be entitled An Act creating and establishing a conservation and reclamation district under and essential to the purposes of Article XVI, Section 59, Constitution of Texas, to be known as "Baytown Area Water Authority"; declaring the Authority a governmental agency, body politic and corporate; defining the boundaries and finding that the boundaries of the Authority form a closure; finding that all property to be served by the Authority will be benefited thereby; conferring rights, powers, privileges, authorities and functions upon the Authority; providing for the power to contract and making provision for such contracts; providing for the acquisition of water rights; providing that no confirmation election is necessary; providing for a hearing on exclusions; providing for addition or annexation of land; providing that the Authority shall not have the right, power or authority to impose, levy, assess or collect taxes; providing that enactment shall not prevent the organization of conservation and reclamation districts within the boundaries of the Authority or the changing of the boundaries of such districts, but that such districts created in the future must contract with the Authority; providing for the appointment, powers and qualification of a Board of Directors, the election of officers, the employment and powers of a General Manager, and other related matters; providing for contracting with City of Baytown pursuant to the Interlocal Cooperation Act; providing for the power to reimburse the City of Baytown for costs of creating and establishing the Authority, borrow money, issue bonds, invest surplus funds and related matters; providing for the power to construct, lay and maintain canals and certain other facilities for transportation and distribution of water, together with other incidental facilities; providing for the power of eminent domain and for the Authority's bearing the expense of relocation of certain properties and facilities; providing that the Authority not be required to give bond for costs in lawsuits; providing for the appointment of depositories and a system of accounts and an audit thereof; providing for offices of the Authority; providing that the bonds of the Authority are eligible investments and securities; finding that the requirements of Article XVI, Section 59(d) of the Constitution have been accomplished; finding that the Authority will be carrying out an essential public function; enacting other provisions related to the aforementioned matters; providing a severability clause; and declaring an emergency.

To Committee on Natural Resources.

#### SENATE CONCURRENT RESOLUTION 85

Senator Herring offered the following resolution:

S.C.R. 85, Providing for closing of State offices for half day on Good Friday, April 20, 1973.

On motion of Senator Herring and by unanimous consent, the resolution was considered immediately and was adopted.

#### SENATE BILL 195 WITH HOUSE AMENDMENTS

Senator Hightower called S.B. 195 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

**COMMITTEE AMENDMENT NO. 1**

Amend S.B. 195 by deleting Sec. 5(d) and substituting therefor the following:

"(d)(1) The bonds or notes of any issuer may be secured by a pledge of all or any part of the revenues of the issuer derived from the use and/or sale of control facilities and the use and/or sale of, or services rendered by, disposal systems as specified by resolution of the governing body or in any trust indenture or other instrument securing the bonds or notes. (2) In the alternative, the bonds or notes of a city, town, village or county may be secured by a pledge of said revenues and also by other utility revenues of the city, town, village or county specified by resolution of the governing body or in the trust indenture or other instrument securing the bonds or notes. (3) Any such pledge under subsection (1) or (2) of this paragraph may reserve the right, under conditions therein specified, to issue additional bonds or notes which will be on a parity with or subordinate to the bonds or notes then being issued. Bonds or notes issued for the purposes set out in this Act may be combined in the same issue with bonds or notes issued for other purposes authorized by law."

**COMMITTEE AMENDMENT NO. 2**

Amend S.B. 195 by deleting Sec. 5(i) and substituting therefor the following:

"(i)(1) Before any city, town, village, or county issues any bonds or notes secured by the revenues described in Section 5(d)(1) of this Act, such city, town, village, or county must publish notice of its intention to issue the bonds or notes at least one time in a newspaper of general circulation within the boundaries of such city, town, village, or county. Within thirty (30) days after the date of such publication not less than 10 percent of the qualified electors of the city, town, village, or county issuing such bonds or notes, may file a petition with the clerk or secretary, as the case may be, of the governing body, praying the governing body to order an election for the purpose of submitting the proposition to issue such bonds or notes to a vote of the qualified electors of such city, town, village, or county, as the case may be. Upon the filing of such petition, such governing body shall order an election to be held in such city, town, village, or county to determine whether or not such bonds or notes shall be issued as indicated in such notice. The governing body shall determine the time and the place or places of holding said election; and the manner of holding same shall be governed by the Texas Election Code. If the proposition for the issuance of such bonds or notes be sustained by a majority of the qualified electors voting at such election on such proposition, then such bonds or notes shall be authorized and may be issued by the governing body. In the event no such petition is presented to the governing body within the time hereinabove prescribed, no election on the proposition shall be required, and such governing body shall then have the power to proceed with the issuance of the bonds or notes, as the case may be. (2) Before any city, town, village, or county issues any bonds or notes secured by the revenues described in Section 5(d)(2) of this Act, the governing body of such city, town, village, or county must order an election to be held in that city, town, village, or county to determine the time and the place or places of holding the election; and the manner of holding it shall be governed by Chapter 1 of Title 22, Vernon's Texas Civil Statutes. If the issuance of bonds or notes be favored by a majority vote of the qualified electors voting at such election, then the bonds or notes shall be authorized and may be issued by the governing body."

The House amendments were read.

Senator Hightower moved to concur in House amendments to the bill.

The motion prevailed by the following vote: Yeas 21, Nays 4.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Ogg, Sherman, Traeger, Wallace and Wolff.

Nays: Herring, Patman, Schwartz and Snelson.

Absent: Clower, Gammage, Mengden and Santicsteban.

Absent-excused: McKnight and Moore.

#### **SENATE BILL 193 WITH HOUSE AMENDMENT**

Senator Hightower called S.B. 193 from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

#### **COMMITTEE AMENDMENT NO. 1**

Amend Section 1 of Senate Bill 193, First Official House Printing, by inserting after the semi-colon on line 2, page 2, and before the word "and" on line 2, page 2, thereof the following:

"or that the voter is in continuous residence at a duly licensed nursing or custodial home because of sickness or physical disability;"

The House amendment was read.

Senator Hightower moved the Senate concur in House amendment to the bill.

The motion prevailed.

(President in Chair)

#### **BILL AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill and resolutions:

H.C.R. 119

S.C.R. 80

S.B. 386

#### **SENATE JOINT RESOLUTION 25 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 25, Proposing an amendment to Article VIII of the Texas Constitution by adding a Section 2C authorizing the legislature to exempt certain water supply corporations and cooperatives from the property tax on certain facilities.

The resolution was read second time and was passed to engrossment.

**SENATE JOINT RESOLUTION 25 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.J.R. 25 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, Meier, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Mauzy.

Absent: Mengden and Santiesteban.

Absent-excused: McKnight and Moore.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote: Yeas 26, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, Meier, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Mauzy.

Absent: Mengden and Santiesteban.

Absent-excused: McKnight and Moore.

**SENATE JOINT RESOLUTION 36 ON SECOND READING**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 36, Proposing an amendment of Article III, Section 11, of the Texas Constitution, to provide a degree of permanence for House, Senate and Joint Rules.

The resolution was read second time and was passed to engrossment.

**SENATE JOINT RESOLUTION 36 ON THIRD READING**

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.J.R. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: McKnight and Moore.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Patman.

Absent-excused: McKnight and Moore.

#### **LEAVE OF ABSENCE**

Senator Blanchard was granted leave of absence for the remainder of today on account of illness on motion of Senator Hightower.

#### **SENATE CONCURRENT RESOLUTION 45 ON SECOND READING**

The President laid before the Senate the following resolution:

S.C.R. 45, Recognizing City of El Paso as Medical Center City.

The resolution was read.

On motion of Senator Santiesteban and by unanimous consent, the resolution was considered immediately and was adopted.

#### **CO-AUTHORS OF SENATE BILL 857**

On motion of Senator Mengden and by unanimous consent, Senators Traeger, Ogg, and Longoria will be shown as Co-authors of S.B. 857.

#### **SENATE BILL 593 ON THIRD READING**

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S.B. 593, A bill to be entitled An Act relating to pilot programs for the detection of certain health defects and problems in school children; amending Subchapter A, Chapter 11, Texas Education Code, by adding a Section 11.20; and declaring an emergency.

The bill was read third time and was passed.

#### **SENATE BILL 33 ON THIRD READING**

On motion of Senator Longoria and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S.B. 33, A bill to be entitled An Act exempting certain receipts from private clubs operated by veterans' or fraternal organizations from the gross

receipts tax on the sale or service of alcoholic beverages; amending Subsection 12, Section 15(e), Article I, Texas Liquor Control Act, as amended (Article 666-15e, Vernon's Texas Penal Code); and declaring an emergency.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators Aikin, Adams, Mauzy, Wallace, Clower, Jones, Sherman and Snelson asked to be recorded as voting "Nay" on the final passage of the bill.

#### **COMMITTEE SUBSTITUTE SENATE BILL 66 ON SECOND READING**

On motion of Senator Braecklein and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 66, A bill to be entitled An Act relating to the disposition of abandoned motor vehicles; providing penalties; amending the Texas Abandoned Motor Vehicle Act (Article 1436-3, Vernon's Texas Penal Code); and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 66 ON THIRD READING**

Senator Braecklein moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 66 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard, McKnight and Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard, McKnight and Moore.

#### **SENATE BILL 234 ON THIRD READING**

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S.B. 234, A bill to be entitled An Act relating to clearing corporations for the transfer of investment securities; amending Subsection (c), Section



8.102, Business and Commerce Code; and declaring an emergency.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 5, Present-Not voting 1.

Yeas: Andujar, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Snelson, Traeger, Wallace and Wolff.

Nays: Adams, Aikin, Clower, Mauzy and Sherman.

Present-Not voting: Longoria.

Absent-excused: Blanchard, McKnight and Moore.

#### **SENATE BILL 407 ON SECOND READING**

On motion of Senator Clower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 407, A bill to be entitled An Act amending Section 5, Article 1995, Revised Civil Statutes of Texas, 1925, as amended, relating to Venue so as to provide that actions founded upon and obligations of the defendant for goods, services, loans, and extensions of credit intended primarily for personal, family, or household use must be brought in either the county in which the defendant signs the contract, or in the county in which the defendant resides at the commencement of the action; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 407 ON THIRD READING**

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 407 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard, McKnight and Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **SENATE BILL 887 ON SECOND READING**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 887, A bill to be entitled An Act creating the Rio Grande State Center for Mental Health and Mental Retardation Independent School District; etc.; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 887 ON THIRD READING**

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 887 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard, McKnight and Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard, McKnight and Moore.

#### **SENATE BILL 888 ON SECOND READING**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 888, A bill to be entitled An Act creating the Brenham State School Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying scholastics; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 888 ON THIRD READING**

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 888 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard, McKnight and Moore.

The President then laid the bill before the Senate on its third reading

and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard, McKnight and Moore.

#### LEAVE OF ABSENCE

Senator Hightower was granted leave of absence for the remainder of today on account of important business on motion of Senator Aikin.

#### MOTION TO ADJOURN

Senator Adams moved that the Senate stand adjourned until 11:00 o'clock a.m., Monday, April 16, 1973.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote: Yeas 12, Nays 14.

Yeas: Adams, Aikin, Andujar, Creighton, Harris, Herring, Jones, McKinnon, Mengden, Sherman, Snelson and Traeger.

Nays: Braecklein, Brooks, Clower, Gammage, Kothmann, Longoria, Mauzy, Meier, Ogg, Patman, Santiesteban, Schwartz, Wallace and Wolff.

Absent: Harrington.

Absent-excused: Blanchard, Hightower, McKnight and Moore.

#### COMMITTEE APPOINTED

In accordance with the provisions of S.C.R. 80, the President announced the appointment of the following Committee to escort The Honorable Lloyd Bentsen to the Joint Session: Senators Ogg, Sherman, Jones, Santiesteban and Wolff.

#### SENATE BILL 74 LAID ON TABLE

Senator Jones moved that S.B. 74 be Laid on Table.

Question on the motion to lay S.B. 74 on table, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote: Yeas 15, Nays 12.

Yeas: Andujar, Brooks, Clower, Gammage, Harrington, Kothmann, Longoria, Mauzy, Meier, Ogg, Santiesteban, Schwartz, Sherman, Wallace and Wolff.

Nays: Adams, Aikin, Braecklein, Creighton, Harris, Herring, Jones, McKinnon, Mengden, Patman, Snelson and Traeger.

Absent-excused: Blanchard, Hightower, McKnight and Moore.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, April 13, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 82, Commending L. L. Wilkes as an outstanding educator in Texas.

S.C.R. 71, Commending Nat Terence for his 39 years of service to the citizens and community of Houston as owner and editor of The Houstonian.

The House has concurred in Senate amendments to H.C.R. 139 by non-record vote.

The House concurred in Senate amendments to House Bill 361 by non-record vote.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

**COMMITTEE SUBSTITUTE SENATE BILL 75 ON SECOND READING**

Senator Mauzy asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 75 for consideration at this time.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up C.S.S.B. 75 for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 8.

Yeas: Adams, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Wallace and Wolff.

Nays: Aikin, Andujar, Creighton, Harris, Jones, McKinnon, Snelson and Traeger.

Absent-excused: Blanchard, Hightower, McKnight and Moore.

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 75, A bill to be entitled An Act relating to the definition and regulation of unlawful trade, acts and practices, the protection of Texas consumers, and providing for consumer remedies; amending Chapter 17, Business and Commerce Code, as amended, by adding Subchapter E; repealing Chapter 10, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Articles 5069-10.01 et seq., Vernon's Texas Civil Statutes); amending Sections 13 and 17, Article 21.21, Insurance Code, and adding new Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24; and declaring an emergency.

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend Committee Substitute for S.B. 75 as follows:

(1) Strike "or" on line 14, page 3, in paragraph (18) subsection (b) of quoted Section 17.46;

(2) Strike the period following "goods" on line 21, page 3, in paragraph (19), subsection (b) of quoted Section 17.46 and insert in lieu thereof ";or";

(3) Insert a new paragraph (20) to subsection (b) of quoted Section 17.46 to read as follows:

"(20) Selling or offering to sell either directly or associated with the sale of goods or services, a right of participation in a multi-level distributorship. As used herein, 'multi-level distributorship' means a sales plan for the distribution of goods or services in which promises of rebate or payment are made to individuals, conditioned upon those individuals recommending or securing additional individuals to assume positions in the sales operation, and where the rebate or payment is not exclusively conditioned on or in relation to proceeds from the retail sales of goods."

The amendment was read and was adopted.

Senator Snelson offered the following amendment to the bill:

Amend C.S.S.B. 75, first printing, by striking therefrom the word "Remedies" where it appears on lines 20 and 22 of page 1 of the bill, and substituting in lieu thereof each place the word "Protection".

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend Committee Substitute for S.B. 75 by striking "Rule 26 of the Federal" in subsection (c) of quoted Section 17.61, on page 11, line 18, and inserting in lieu thereof "the Texas".

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend Committee Substitute for S.B. 75 by inserting the following in quoted Section 17.51, subsection (a) on page 5, line 62, between "Code," and "a";

"or by an act or practice or type of act or practice occurring subsequent to the time the act or practice or type of act or practice was declared unlawful, deceptive, or unconscionable to the consumer by a final judgment of an appellate court of proper jurisdiction and venue of this state that was reported officially,".

The amendment was read and was adopted by the following vote: Yeas 19, Nays 8.

Yeas: Adams, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Kothmann, Longoria, Mauzy, McKinnon, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Aikin, Andujar, Creighton, Harris, Jones, Meier, Mengden and Ogg.

Absent-excused: Blanchard, Hightower, McKnight and Moore.

Senator Mauzy offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 75 by striking out all of subparagraph (e) of Section 17, same being lines 23 through 27, both inclusive, on page 16 of the printed Committee Substitute and inserting in lieu thereof the following:

"(e) An action under this section may not be maintained if an administrative class action under Section 14 of this Article has been initiated or has resulted in a final determination regarding the same acts or practices and the same defendant in the action under this section."

The amendment was read and was adopted.

Senator Snelson offered the following amendment to the bill:

Amend C.S.S.B. 75 as follows:

(1) In paragraph (1) of quoted Section 17.45 place a period following "use" on line 43, page 1, and strike the remainder of the paragraph;

(2) In paragraph (4) of quoted Section 17.45 place a period following "services" on line 54, page 1, and strike the remainder of the paragraph.

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

Question, Shall S.B. 75 as amended by passed to engrossment?

#### **LEAVE OF ABSENCE**

Senator Meier was granted leave of absence for the remainder of today on account of important business on motion of Senator Creighton.

(Senator Sherman in Chair)

#### **MEMORIAL RESOLUTIONS**

S.R. 561 - By Senator Herring, et al.: Memorial resolution for Julian Montgomery.

S.R. 563 - By Senators Gammage and Brooks: Memorial resolution for John Lefavre Sullivan.

#### **CONGRATULATORY RESOLUTION**

S.C.R. 84 - By Senator Ogg: Extending congratulations to Bernard Garcia.

**NOTICES OF INTENT**

The following Notices of Intent were filed with the Secretary of the Senate:

Monday, April 16, 1973

C.S.S.B. 75 - Senator Mauzy  
S.B. 123 - Senator Gammage  
C.S.S.B. 190 - Senator Snelson  
S.B. 227 - Senator Mauzy  
C.S.S.B. 252 - Senator Gammage  
S.B. 363 - Senator Mauzy  
S.B. 376 - Senator Wallace  
S.B. 760 - Senator Ogg  
S.B. 772 - Senator Ogg  
C.S.S.B. 866 - Senator Herring  
S.B. 875 - Senator Snelson  
C.S.S.C.R. 73 - Senator Brooks  
S.C.R. 75 - Senator Schwartz  
S.J.R. 29 - Senator Traeger  
H.B. 120 - Senator Gammage  
H.B. 316 - Senator Gammage  
H.B. 370 - Senator Mauzy

**ADJOURNMENT**

Senator Creighton moved the Senate stand adjourned until 11:00 o'clock a.m., Monday, April 16, 1973.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded. The motion to adjourn prevailed by the following vote: Yeas 14, Nays 13.

Yeas: Adams, Aikin, Andujar, Creighton, Harris, Herring, Hightower, Jones, McKinnon, Mengden, Ogg, Sherman, Snelson and Traeger.

Nays: Braecklein, Brooks, Clower, Gammage, Harrington, Kothmann, Longoria, Mauzy, Patman, Santiesteban, Schwartz, Wallace and Wolff.

Absent-excused: Blanchard, McKnight, Meier and Moore.

Accordingly, the Senate at 11:00 o'clock a.m., adjourned until 11:00 o'clock a.m., Monday, April 16, 1973.

**APPENDIX**

**Sent to Governor**

**April 13, 1973**

**S.C.R. 80**

**Sent to Comptroller**

**April 13, 1973**

**S.B. 386**

**In Memory of****Mrs. Dreka Ray**

Senator Aikin offered the following resolution:

(Senate Resolution 562)

WHEREAS, God, in his infinite wisdom, has called from these earthly labors Mrs. Dreka Ray; and

WHEREAS, Mrs. Ray was born and reared in Kerens, Navarro County, but had lived in Austin for more than 35 years and had been a member of the staff in the Enrolling and Engrossing Department of the Senate for more than 20 years at each Regular Session and was with the Department of Public Safety for 12 years; and

WHEREAS, Mrs. Ray is survived by one son, Harold R. Ray of Austin and a brother, Dr. K. W. Rowe of Beaumont; and

WHEREAS, Mrs. Ray was one of the best loved and most respected employees of the staff of the Senate; and

WHEREAS, It is the desire of the Senate to pay tribute to her memory and express deepest sympathy to the members of her family: her son, her brother, her daughter-in-law, and two grandsons; now, therefore, be it

RESOLVED, That this resolution be adopted by a rising vote and that copies be furnished the members of her family.

The resolution was read.

On motion of Senator Snelson and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Aikin, the resolution was adopted by a rising vote of the Senate.